



CITY OF NEWBURGH

Office of the City Manager

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Michael G. Ciaravino, City Manager

October 31, 2017

Basil Seggos, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001

Re: City of Newburgh Perfluorooctanesulfonic Acid ("PFOS") Drinking Water Contamination

Dear Mr. Seggos:

Allow me to express my personal appreciation and the appreciation of the residents of the City of Newburgh ("City") for the work Mr. Martin Brand and his staff have performed in response to the Stewart Air National Guard Base ("ANG Base") drinking water contamination of the City's drinking water reservoir, Washington Lake. I look forward to the City's continued partnership with the New York State Department of Environmental Conservation ("NYS DEC"). In partnership, we look to ensure that the contamination flowing from Recreation ("Rec") Pond located on the ANG Base is eliminated from the City's drinking water supply watershed, to complete a full restoration of the contamination in the Washington Lake reservoir, and to ensure that City of Newburgh residents are provided with a safe drinking water source in perpetuity.

The purpose of this letter is to identify the follow-up items that have been discussed in our weekly conference calls and correspondence, and to request that the information be provided to me immediately. As I am sure you understand, this information is needed to enable the City to develop long-term solutions and permanent protection of the City of Newburgh's drinking water watershed.

Since NYS DEC and New York State Department of Health ("DOH") are both involved in the PFOS response action, I am sending a copy of this correspondence to Commissioner Zucker at the DOH.

1. *Washington Lake Treatment System.*

Please send your detailed estimate of the long-term Operations & Maintenance (“O&M”) costs for the permanent granulated activated carbon (“GAC”) treatment system as well as a draft agreement between the City and NYS DEC for long-term payment of O&M costs by NYS DEC or another state or federal agency. In addition, as the startup of the system is imminent, we need to receive your proposed sampling protocol for the transition from the Catskill Aqueduct water to filtered Washington Lake water, as well as a long term sampling plan be established for distribution. What limit of perfluorinated compounds is the NYS DEC considering acceptable for post-treatment finished water? The City of Newburgh proposes 1 Part-per-trillion (“ppt”). Will there be a Maximum Contaminant Level (“MCL”) established, and if so, when will that limit be established? Has the postponed New York City Department of Environmental Protection (“DEP”) work of the Catskill Aqueduct subsequently delayed the startup of the GAC treatment system and the switch to Washington Lake water? Was the delay was due to findings of HABS (Blue Green Algae) in Brown’s Pond?

2. *Treatment efficiency.*

We understand that some compounds are not easily removed by a GAC system, including any chemical with a high vapor pressure or low boiling point and highly water-soluble chemicals, including GenX. We also understand inorganics may be difficult to remove. Have any of the following been tested and/or detected in Washington Lake: acetone, methylene chloride, acetonitrile, 1-Propanol, acrylonitrile, propionitrile, dimethylformaldehyde, propylene, 1,4-dioxane, tetrahydrofuran, isopropyl alcohol and urea?

We also understand you can tell whether a chemical is a candidate for GAC removal by its KOC, or octanol water partitioning. Chemicals high in KOC are more easily removed. Please provide a list of chemicals with high KOC that have been successfully removed by GAC and confirm if any of these have been found in the sampling throughout the watershed.

Have you or DOH performed an engineering analysis of the capacity of the GAC system to remove not only PFOS but the full suite of Perfluorinated Alkyl compounds and PFOS related precursors/contaminants? Have you investigated the relative breakthrough (retention) rates of each of these compared to PFOS? What chemicals will be monitored in the post-treatment sampling and what chemicals in the raw water supply are being excluded? What criteria will be used to determine whether breakthrough has occurred?

3. *Sampling data.*

We understand you have requested from archives, and will provide to the City when received, the complete historical record of contaminant sampling data related to Stewart Airport, the New Windsor landfill and any other source of contamination in the Washington Lake watershed. Please include all sampling data for Rec Pond and its tributaries, Washington Lake silt and water (before and after Superfund designation), all tributaries to Washington Lake and fish sampling. Also, please provide a list of the chemicals being sampled and the target compound list. Has NYS DEC done a full Superfund panel on Washington Lake, meaning a full semi-volatile and volatile organics scan and pesticide scan? May all of this data be released to the public? Have the entire family of Perfluorinated Chemicals ("PFCs"), both short and long chain, been tested for in the watershed?

Regarding *fish sampling results*, please include the units of measure, the background concentrations, the water body associated with each sample, the conclusion reached from each sampling event, background levels of PFCs in the fish, significance of ingestion under the health advisory of 70 ppt, whether any fish were sampled upgradient of the water samples at the airport, and please describe the possible health effects of ingesting the fish.

4. *DOD and ANG discussions with NYSDEC.*

You have volunteered to advise the City if and when it would be appropriate for the City to join NYS DEC's discussions with United States Department of Defense ("DOD"). We would also appreciate the opportunity to participate in these discussions.

5. *Stewart Airport dumps, spills and releases.*

Please provide records of all spills, landfills and remediation at Stewart Airport, specifically, please include records of all dumps or burials at the ANG base. We would also like to receive mapping of the sanitary sewer and storm sewer pipe networks and catch basins related to Stewart Airport, ANG's discharge monitoring reports and ANG's permit renewal application and draft State Pollutant Discharge Elimination System ("SPDES") permit. Finally, please send a complete copy of ANG's current lease agreement for the site and the ANG Policy FAF/IE dated 8/11/2016. When available to you, please provide the DOD site investigation work plan and any updates, as well as NYSDOT's recent investigation and sampling data associated with Rec Pond, and DEC's remediation plan for the Rec Pond. Also, please send us the site investigation report for the commercial side of the airport when it is received.

The United States Department of Environmental Protection Agency (US EPA) published a list of the first 10 toxic chemicals to be investigated, as part of the agency's Toxic Substances Control Act (TSCA) Work Plan. Please confirm if the below noted chemicals have been tested for, at Stewart ANG, Washington Lake (soil sediments) or have been identified in any spills in the Quassaick Creek or Washington Lake Watershed and Sub Watersheds:

Asbestos
1-Bromopropane
Carbon Tetrachloride
1,4-Dioxane
Cyclic Aliphatic Bromide Cluster
Methylene Chloride
N-Methylpyrrolidone
Perchloroethylene
Pigment Violet 29
Trichloroethylene
Clorpyrifos

6. Source Water Assessment Plan.

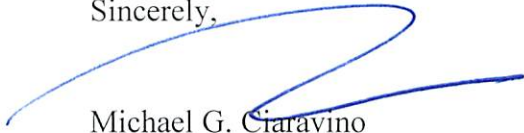
The City and NYS DEC had a kick-off meeting for the source water assessment plan at City Hall on October 24, 2016, at which time we identified next steps and stakeholders to be included in future source water assessment meetings. To help in this effort, please provide an updated map showing recent rounds of sampling, an updated watershed map showing boundaries and threats, records of all spills, dumps and remediation sites within the watershed, new standards and discharge requirements for PFCs, the correction of the previously incorrectly listed Class-C designation of Patton Brook just to the west of Murphy's Ditch gatehouse, the list of emerging contaminants relevant to Newburgh and the list of available watershed protection tools and authorities.

7. Long term planning.

Will NYS DEC look into a new permanent water source for Newburgh to be paid for by a state or federal agency? We ask you this question because a growing number of constituents have presented this question to me on numerous occasions and in various forums since this water crisis emerged at Washington Lake. There is deep concern regarding other contaminants emerging from the "emergent contaminant list" as well as others not yet identified at all which may not be filtered out by our new treatment plant and will ultimately be ingested by the residents of Newburgh and other consumers of our water. We need to address their concerns as part of the short term and longer term planning.

Once again, I want to thank you and your staff for having been so forthcoming and cooperative not only in your response activities, but also in keeping the City of Newburgh informed throughout this response action. I look forward to continuing this excellent working relationship and resolving the above open issues.

Sincerely,



Michael G. Ciaravino
City Manager

cc: Corporation Counsel Michelle Kelson, City of Newburgh
George Rodenhousen, Esq.
John Walsh, Esq.
Fire Chief Terry Ahlers, City of Newburgh
Assistant Fire Chief William Horton, City of Newburgh
Water Superintendent Wayne Vradenburgh, City of Newburgh
City Engineer Jason Morris, City of Newburgh
Captain Paul Pullar, City of Newburgh
Dylan Miyoshi, Governor's Office
Martin Brand, Deputy Commissioner, NYSDEC
Dr. Howard A. Zucker, M.D., Commissioner NYSDOH
Kenneth Lynch, Executive Deputy, NYSDEC
Kelly Turturro, Acting Director, Region 3
Pat Evangelista, Region 2, USEPA
Paul Simon, Region 2, USEPA
Angela Carpenter, Region 2, USEPA
John Martin, Region 2, USEPA
Cecilia Echols, Region 2, USEPA
Robert Schick, Division Director of Environmental Remediation, NYSDEC
George Heitzman, Director, Environmental Remediation Region 3 & 6, NYSDEC
James Tierney, Division of Water, NYSDEC
Jeffrey R. Conway, Region 3, NYSDEC
William Gilday, Bureau of Water Supply Protection, NYSDOH
Dr. Eli N. Avila, Commissioner, Orange County Department of Health, OCDOH
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Ed Sims, Orange County Department of Health, OCDOH
Daniel Shapley, Water Quality Program Manager, Riverkeeper
Judy Kennedy, Mayor City of Newburgh
City Council, City of Newburgh